

ESTTA Tracking number: **ESTTA473461**

Filing date: **05/21/2012**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

## Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

### Opposer Information

|                                       |   |
|---------------------------------------|---|
| Name                                  | Fluidmaster, Inc.   |
| Granted to Date of previous extension | 05/19/2012  |
| Address                               | 30800 Rancho Viejo Rd.<br>San Juan Capistrano, CA 92675<br>UNITED STATES  |
| Attorney information                  | Richard P. Sybert, Susan B. Meyer<br>Gordon & Rees, LLP<br>101 W. Broadway, Suite 1600<br>San Diego, CA 92101<br>UNITED STATES<br>smeyer@gordonrees.com, rsybert@gordonrees.com, mmims@gordonrees.com<br>Phone:619-696-6700 |

### Applicant Information

|                        |   |                        |            |
|------------------------|---|------------------------|------------|
| Application No         | 85437666  | Publication date       | 03/20/2012 |
| Opposition Filing Date | 05/21/2012  | Opposition Period Ends | 05/19/2012 |
| Applicant              | Bransfield Products USA, LLC<br>535 Knight Way<br>La Canada Flintridge, CA 91011<br>UNITED STATES |                        |            |

### Goods/Services Affected by Opposition

|   |
|---|
| Class 011.<br>All goods and services in the class are opposed, namely: Automatic flush valves for toilets |
|---|

### Grounds for Opposition

|                                      |                            |
|--------------------------------------|----------------------------|
| Priority and likelihood of confusion | Trademark Act section 2(d) |
|--------------------------------------|----------------------------|

### Mark Cited by Opposer as Basis for Opposition

|                       |             |                       |            |
|-----------------------|-------------|-----------------------|------------|
| U.S. Registration No. | 2351946     | Application Date      | 07/28/1999 |
| Registration Date     | 05/23/2000  | Foreign Priority Date | NONE       |
| Word Mark             | LEAK SENTRY |                       |            |

|                     |   |
|---------------------|---|
| Design Mark         | <b>LEAK SENTRY</b>  |
| Description of Mark | NONE  |
| Goods/Services      | Class 011. First use: First Use: 1997/11/21 First Use In Commerce: 1997/12/15<br>Toilet tank water inlet valves |

|             |   |
|-------------|---|
| Attachments | 75764111#TMSN.gif ( 1 page )( bytes )<br>TOILET SENTRY - Opposition.pdf ( 12 pages )(105273 bytes ) |
|-------------|---|

### **Certificate of Service**

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by Overnight Courier on this date.

|           |                                   |
|-----------|-----------------------------------|
| Signature | /Susan B. Meyer/                  |
| Name      | Richard P. Sybert, Susan B. Meyer |
| Date      | 05/21/2012                        |

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

|  |   |                |
|--|---|----------------|
| In the Matter of Trademark Application | ) |                |
| Serial No. 85437666                    | ) |                |
| Filed: October 3, 2011                 | ) |                |
| Published: March 20, 2012              | ) |                |
| By: Bransfield Products USA, LLC       | ) |                |
| For the Trademark: TOILET SENTRY       | ) |                |
| _____                                  | ) | Opposition No. |
|  | ) |                |
| FLUIDMASTER, INC.,                     | ) |                |
| a California corporation               | ) |                |
|  | ) |                |
| Opposer,                               | ) |                |
| v.                                     | ) |                |
|  | ) |                |
| BRANSFIELD PRODUCTS USA, LLC.          | ) |                |
| a Nevada limited liability company     | ) |                |
|  | ) |                |
| Applicant.                             | ) |                |
| _____                                  | ) |                |
|  | ) |                |

NOTICE OF OPPOSITION

Fluidmaster, Inc., having a place of business at 30800 Ranch Viejo Road, San Juan Capistrano, California 92675 (hereinafter "Opposer") believes that it will be damaged by registration of the mark TOILET SENTRY shown in Application Serial No. 85/437666 as published in the Official Gazette on March 20, 2012, and hereby opposes said application. As grounds for opposition, it is alleged that:

1. In 1997, Opposer began using the mark LEAK SENTRY® to designate toilet water intake valves. Opposer has used the LEAK SENTRY® mark continuously since that time.
2. Thus, Opposer is the owner of the LEAK SENTRY® mark, designating toilet water intake valves.

3. Opposer owns the registration for the mark LEAK SENTRY® registered with the United States Patent and Trademark Office, Reg. No. 2,351,946. . A print-out from the USPTO TARR database reflecting this registration is attached as EXHIBIT A.

4. This registration is incontestable.

5. Opposer's LEAK SENTRY® mark has been conspicuously applied to Opposer's goods, which have been extensively advertised, promoted, distributed and sold in interstate commerce in the United States such that the public recognizes that products bearing the LEAK SENTRY® mark emanate from one source, namely Fluidmaster, Inc.

6. By virtue of Opposer's extensive advertising, distribution, promotion and sales of its goods bearing the LEAK SENTRY® mark, the public has come to rely upon the marks to identify and distinguish Opposer's superior goods from the goods of others. The goodwill and reputation associated with the LEAK SENTRY® mark is therefore are extremely valuable assets belonging exclusively to Opposer.

7. By the application herein opposed, Bransfield Products USA, LLC (hereinafter "Applicant") seeks to register the mark TOILET SENTRY in International Class 011 for automatic flush valves for toilets. A print-out from the USPTO TARR database reflecting this application is attached as EXHIBIT B.

8. Applicant's proposed mark TOILET SENTRY so resembles Opposer's registered trademark LEAK SENTRY® that, when used on or in connection with the goods recited in the application herein opposed, it is likely to cause confusion, or to cause mistake, or to deceive as to the source, sponsorship or approval of said goods.

9. On information and belief, Applicant's first use of its mark was later than Opposer's first use of its LEAK SENTRY® mark.

10. Opposer will be damaged by registration and use of the mark TOILET SENTRY because such registration and use is likely to confuse consumers and damage Opposer's goodwill and reputation associated with its LEAK SENTRY mark.

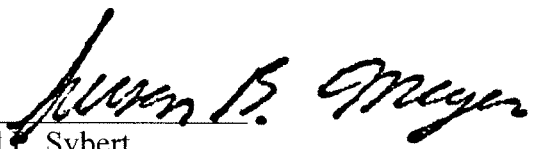
Wherefore, because Opposer avers and believes that it will be damaged by registration of Applicant's mark, Opposer prays that Application Serial No. 85/437666 be denied.

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This Notice of Opposition is being submitted electronically. The required fee is Authorized to be charged against the Deposit Account No. 501990 of the Attorney for Opposer.

Respectfully submitted,

DATE: May 21, 2012

By:   
Richard F. Sybert  
Susan B. Meyer  
Attorneys for Opposer

GORDON & REES LLP  
101 West Broadway, Suite 1600  
San Diego, California 92101-8217  
Telephone: (619) 696-6700  
Facsimile: (619) 696-7124

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

|  |   |                |
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| In the Matter of Trademark Application | ) |                |
| Serial No. 85/437666                   | ) |                |
| Filed: October 3, 2011                 | ) |                |
| Published: March 20, 2012              | ) |                |
| By: Bransfield Product USA, LLC        | ) |                |
| For the Trademark: TOILET SENTRY       | ) |                |
| _____                                  | ) | Opposition No. |
| FLUIDMASTER, INC.,                     | ) |                |
| a California corporation               | ) |                |
|  | ) |                |
| Opposer,                               | ) |                |
| v.                                     | ) |                |
|  | ) |                |
| BRANSFIELD PRODUCTS USA, LLC           | ) |                |
| a Nevada limited liability company     | ) |                |
|  | ) |                |
| Applicant.                             | ) |                |
| _____                                  | ) |                |


**CERTIFICATE OF SERVICE**

I hereby certify that **NOTICE OF OPPOSITION** is being served by FEDERAL EXPRESS Mail, to Addressee on May 21, 2012, as follows:

**Federal Express No. 7984 1887 2322**

Bransfield Products USA, LLC  
535 Knight Way  
La Canada Flintridge, CA 91011

Date of Mailing: May 21, 2012

  
Monica L. Mims

# EXHIBIT A

# EXHIBIT A

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**Thank you for your request. Here are the latest results from the TARR web server.**

**This page was generated by the TARR system on 2012-05-21 13:59:08 ET**

**Serial Number:** 75764111 [Assignment Information](#) [Trademark Document Retrieval](#)

**Registration Number:** 2351946

**Mark (words only):** LEAK SENTRY

**Standard Character claim:** No

**Current Status:** The registration has been renewed.

**Date of Status:** 2009-12-03

**Filing Date:** 1999-07-28

**Transformed into a National Application:** No

**Registration Date:** 2000-05-23

**Register:** Principal

**Law Office Assigned:** LAW OFFICE 114

**If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at [TrademarkAssistanceCenter@uspto.gov](mailto:TrademarkAssistanceCenter@uspto.gov)**

**Current Location:** (NOT AVAILABLE)

**Date In Location:** 2009-12-03

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#### LAST APPLICANT(S)/OWNER(S) OF RECORD

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1. Fluidmaster, Inc.

**Address:**

Fluidmaster, Inc.  
30800 Rancho Viejo Road  
San Juan Capistrano, CA 92675  
United States

**Legal Entity Type:** Corporation

**State or Country of Incorporation:** California

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#### GOODS AND/OR SERVICES

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**International Class:** 011

**Class Status:** Active



Toilet tank water inlet valves

**Basis:** 1(a)

**First Use Date:** 1997-11-21

**First Use in Commerce Date:** 1997-12-15

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### ADDITIONAL INFORMATION

(NOT AVAILABLE)

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### MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

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### PROSECUTION HISTORY

**NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.**

2009-12-03 - First renewal 10 year

2009-12-03 - Section 8 (10-year) accepted/ Section 9 granted

2009-12-01 - TEAS Section 8 & 9 Received

2009-04-06 - Attorney Revoked And/Or Appointed

2009-04-06 - TEAS Revoke/Appoint Attorney Received

2008-12-05 - Withdrawal Of Attorney Granted

2008-12-05 - TEAS Withdrawal Of Attorney Received

2005-07-25 - Section 8 (6-year) accepted & Section 15 acknowledged

2005-06-27 - Section 8 (6-year) and Section 15 Filed

2005-06-27 - PAPER RECEIVED

2000-05-23 - Registered - Principal Register

2000-02-29 - Published for opposition

2000-01-28 - Notice of publication

1999-11-03 - Approved for Pub - Principal Register (Initial exam)

1999-11-02 - Assigned To Examiner

**ATTORNEY/CORRESPONDENT INFORMATION**

**Attorney of Record**

Richard P. Sybert

**Correspondent**

Richard P. Sybert

GORDON & REES LLP

101 WEST BROADWAY, SUITE 1600

SAN DIEGO CA 92101

Phone Number: (619) 696-6700

Fax Number: (619) 696-7124

## **EXHIBIT B**

## **EXHIBIT B**

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**Thank you for your request. Here are the latest results from the TARR web server.**

**This page was generated by the TARR system on 2012-05-21 14:04:24 ET**

**Serial Number:** 85437666 Assignment Information      Trademark Document Retrieval

**Registration Number:** (NOT AVAILABLE)

**Mark**

**TOILET SENTRY**

**(words only):** TOILET SENTRY

**Standard Character claim:** Yes

**Current Status:** A request for an extension of time to file an opposition has been filed with the Trademark Trial and Appeal Board. For further information, see TTABVue on the Trademark Trial and Appeal Board web page.

**Date of Status:** 2012-04-02

**Filing Date:** 2011-10-03

**Transformed into a National Application:** No

**Registration Date:** (DATE NOT AVAILABLE)

**Register:** Principal

**Law Office Assigned:** LAW OFFICE 104

**Attorney Assigned:**  
LUDEMAN JESSICA ANN

**Current Location:** 650 -Publication And Issue Section

**Date In Location:** 2012-02-10

**LAST APPLICANT(S)/OWNER(S) OF RECORD**

1. Bransfield Products USA, LLC

**Address:**

Bransfield Products USA, LLC  
535 Knight Way  
La Canada Flintridge, CA 91011  
United States

**Legal Entity Type:** Limited Liability Company

**State or Country Where Organized:** Nevada

**Phone Number:** 818-952-0152

### GOODS AND/OR SERVICES

**International Class:** 011

**Class Status:** Active

Automatic flush valves for toilets

**Basis:** 1(b)

**First Use Date:** (DATE NOT AVAILABLE)

**First Use in Commerce Date:** (DATE NOT AVAILABLE)

### ADDITIONAL INFORMATION

**Disclaimer:** "TOILET"

### MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

### PROSECUTION HISTORY

**NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.**

2012-04-02 - Extension Of Time To Oppose Received

2012-03-20 - Official Gazette Publication Confirmation E-Mailed

2012-03-20 - Published for opposition

2012-02-29 - Notification Of Notice Of Publication E-Mailed

2012-02-10 - Law Office Publication Review Completed

2012-02-07 - Assigned To LIE

2012-01-23 - Approved For Pub - Principal Register

2012-01-23 - Examiner's Amendment Entered

2012-01-23 - Notification Of Examiners Amendment E-Mailed

2012-01-23 - Examiners amendment e-mailed

2012-01-23 - Examiners Amendment -Written

2012-01-22 - Assigned To Examiner

2011-10-07 - New Application Office Supplied Data Entered In Tram

2011-10-06 - New Application Entered In Tram

**ATTORNEY/CORRESPONDENT INFORMATION**

**Correspondent**

BRANSFIELD PRODUCTS USA, LLC  
BRANSFIELD PRODUCTS USA, LLC  
535 KNIGHT WAY  
LA CANADA FLINTRIDGE, CA 91011-2659  
Phone Number: 818-952-0152